

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 26, 2003

(Published October 4, 2003, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

September 26, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, President Ostrow.

Absent - Johnson, Lilligren.

Benson moved acceptance of the minutes of the regular meeting held 9/12/03. Seconded.

Adopted upon a voice vote.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269059)

2002 Annual Tax Increment Disclosure Report.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269060)

Focus Minneapolis Initiative: Update.

HENNEPIN COUNTY (269061)

Community Advisory Board on Homelessness: Notification that the County Board appointed Mark Eggen.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269062)

Group Health Plan, Inc. Project (HealthPartners, Inc): Preliminary approval to issue 501(c)(3) Tax-exempt Health Care Revenue Bonds.

Tax Forfeited Properties: Resolution classifying 13 properties as non-conservation for various dispositions.

Guthrie Theater Foundation: Final approval to issue Tax-exempt 501(c)(3) Revenue Bonds.

COUNCIL MEMBERS JOHNSON LEE AND ZIMMERMANN (269063)

Appointment to Minneapolis Public Housing Authority Board: Recommendation to appoint Tegegn Ayana.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (269064)

McKinley Neighborhood: Approve NRP Phase I Action Plan; Comments from neighborhood resident.

Lyndale Neighborhood: Approve use of Hennepin County "Second 7.5%" for youth programs.

Waite Park Neighborhood: Modification No. 9 adding revolving low interest loan program.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (269065)

Commercial Corridor Funding: Adopt Modification No. 97 to the Common Plan to clarify state auditing processes.

Grain Belt Housing Project: Adopt Grain Belt Tax Increment Financing Plan and related plan modifications.

Bassett Creek Valley Pollution Remediation Funding: Accept grant from the U.S. Environmental Protection Agency.

Franklin Bakery Project: Approve Community Economic Development Funds to the American Indian Neighborhood Development Corporation.

Guthrie Theater: Establish governmental program to be achieved through construction and operation of the theater complex and transferring the state grant for the project to the City, accept state grant funds and authorize execution of documents.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269066)

2002 Consolidated Annual Performance and Evaluation Report: Report back from Civil Rights Department addressing the recommendations regarding fair housing that are included in the letter submitted by the Legal Aid Society.

HEALTH AND FAMILY SUPPORT SERVICES (269067)

Weed and Seed: Letter to federal Weed and Seed Program strongly expressing the Committee's support for the 2004 grant applications.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269068)

Senior Citizen Advisory Committee to Mayor and City Council: Approve appointment of Rita Edgar, 3247 Lyndale Av N, representing Ward 3, for term to expire December 31, 2003.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (269069)

Community Health Boards: Execute five-year Master Agreement with Minnesota Department of Health, with individual projects and funding to be issued through Project Agreements; and Authorize Commissioner of Health & Family Support to sign individual Project Agreements as the Community Health Services Administrator for the City.

New Family Center: Accept grant award of \$51,854 from Children's Defense Fund, on behalf of Covering All Kids Project, to fund two outreach/social worker staff member; and Approve appropriation.

New Family Center: Accept \$115,957 and execute agreement with Robert Wood Johnson Foundation, on behalf of Covering All Kids Project, to provide services at New Family Center to families with language and cultural barriers who have students enrolling in Minneapolis Public Schools; and Approve appropriation.

Phillips Weed & Seed: Authorize transfer \$30,633 in Year 2003 Federal funding from Health & Family Support to Police Department/Third Precinct for reimbursement of law enforcement strategies implemented within the Phillips Weed & Seed Zone through August 9, 2003.

REGULATORY SERVICES (269070)

Lead Hazard Reduction: Amend contract with Minnesota Remodeling and Restoration to extend performance period to December 31, 2003 to complete lead hazard reduction work on dwellings that

commenced during Round VIII activities and on properties where lead hazards are identified and funds are available to proceed with work.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (269071)
FY 2004 Federal Project Appropriations.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269072)
Empowerment Zone: 2004 Capital Budget Request for Heritage Park and Southeast Mpls Industrial Redevelopment Project.
MN SHUBERT PERFORMING ARTS & EDUCATION CENTER (269073)
2004 Capital Budget Request.

PUBLIC SAFETY AND REGULATORY SERVICES:

LICENSES AND CONSUMER SERVICES (269074)
Extended Tailgating Area: Letter to affected commercial parking lot licensees.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (269075)
Equal Rights for Persons: Overview of laws available to deal with illegal conduct in bathrooms; with attachments.
LICENSES AND CONSUMER SERVICES (269076)
Taxicab Driver Training: Extend agreement with Hennepin Technical College through June 20, 2004 to provide up to ten training sessions.
Dakota Bar and Grill (1010 Nicollet Mall): Grant On-Sale Liquor Class A with Sunday Sales License, subject to prohibiting Adult Entertainment.
Licenses: Applications.
SOUTHEAST COMO IMPROVEMENT ASSOCIATION, ET AL. (269077)
Liquor Restrictions in Southeast Overlay: Comments on proposed Ordinance to not allow any new on-sale license application in the Southeast Overlay District, except if the applicant can reasonably demonstrate that the gross annual sales of alcoholic beverages shall not exceed 30% of gross annual sales of all food and beverages.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (269078)
Criminal Justice Coordinating Committee: Execute amendment to agreement with Hennepin County to extend term to January 31, 2007; Expand membership to include suburban Hennepin County City Attorney; Authorize partial funding of CJCC staff from City Attorney's Office and Police Department.
Nuisance Night Court: Request to implement Nuisance Night (Hearing) Program using the City's Administrative Enforcement and Hearing Process; Authorize establishment of Office Support Specialist I and Office Support Specialist II positions in City Attorney's Office; Adopt administrative enforcement fine schedule for violations of nuisance ordinances; Direct Finance Department to dedicate an account for program revenue; Authorize Finance Officer to appropriate all program revenues to City Attorney's Office for program costs; Introduce ordinances prohibiting possession of drug paraphernalia in a public place and an ordinance prohibiting public urination.
POLICE DEPARTMENT (269079)
Hennepin County/Minneapolis Drug Task Force: Accept grant award of \$150,000 and execute grant agreement with Minnesota Department of Public Safety to continue Task Force in 2004; Execute sub-

recipient contract amendment with Hennepin County Sheriff to share Task Force funding of \$39,400; and Approve appropriation.

Homicide Investigations for Ahmed Ahmed and Claudia Schwartz: Accept \$10,000 from Minnesota Bureau of Criminal Apprehension for reimbursement of overtime costs and witness relocation for homicide investigations; and Approve appropriation.

Children's Justice Act Grant: Accept grant award of \$8,500 and execute grant agreement with Minnesota Department of Human Services to enhance investigation of child pornography by purchasing computer forensic workstation; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (269080)

Nicollet Mall Improvement, Maintenance and Operation Assessments payable in 2004: Set Assessment Public Hearing to assess charges for the improvement, maintenance and operation of Nicollet Mall.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269081)

Renaming a Public Street: Authorize rename public street 25th - 1/2 Street between Cedar Av and Ogema Place to E M Stately Street.

Minneapolis Fire Station #6: Execute change order with Lund Martin Construction, Inc. for facility addition and improvements.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (269082)

Assessment for Areaway Abandonment in the Hennepin Theater District Streetscape Project: Designate the location and improvements and order work to proceed; Receive and accept petition from property owners; Approve appropriation; and Request Board of Estimate and Taxation to issue and sell assessment bonds.

Variance from State Aid Rules: Authorize City Engineer to proceed with variance request for the construction of State Aide Projects.

Federal-Aid Projects: Execute Mn/DOT Agreement for Federal participation in construction.

PUBLIC WORKS AND ENGINEERING (269083)

Fridley Membrane Filtration Plant Project: Execute agreements with up to five qualified equipment manufacturers to conduct performance testing of ultrafiltration membrane pilot-scale systems.

Water Main Ownership Agreement: Execute agreement with the Federal Government to transfer its ownership of a water main to the Henry Bishop Whipple Building in the Fort Snelling Area.

City's Recyclables: Authorize issue Request For Proposal for the processing and marketing, and report back to Committee.

PUBLIC WORKS AND ENGINEERING (269084)

Guthrie District Parking Facility: Implement terms of the design/build agreement; Approve appropriation to be reimbursed by bond proceeds; Request Board of Estimate and Taxation to issue and sell bonds; and Declaring City's intent to reimburse the expenditures with proceeds from tax-exempt bonds.

Towing Agreement: Negotiate and enter into agreement to perform towing at the University of Minnesota, Minneapolis and St. Paul Campuses.

LynLake Municipal Parking Facilities: Establish special assessment proceedings for payable 2004.

PURCHASING (269085)

Bids: Accept

OP #6139, low bid of Palmer West Construction Company, Inc. for roof replacement on Fire Stations 15 & 19;

OP #6150, low responsive bidders for towing vehicles from public or private property for Zones 1-2;
OP #6153, low bid of Cy-Con, Inc. for Hennepin Avenue Areaway Abandonment at 705 Hennepin Av;
OP #6151, low bid submitted by Park Construction Company for the Central Av NE Street Reconstruction.

WAYS AND MEANS BUDGET:

ESTIMATE AND TAXATION (269086)
2004 Tax Levy: Summary of actions taken to fix the maximum amounts that may be levied for property taxes to be collected in 2004.
FINANCE DEPARTMENT (269087)
Quarterly Travel Report - 3rd Quarter 2003.

WAYS AND MEANS BUDGET (See Rep):

CONVENTION CENTER (269088)
Cash Machines for Minneapolis Convention Center: Contract with TCF National Bank.
Bid for Wall Sconces: Accept low bid of Collins Electrical Systems, Inc.
Chilled Water Provider for Convention Center: Amend contract with NRG Energy Center to allow purchase of certain equipment.
COORDINATOR (269089)
Fund Disbursement to Greater Minneapolis Convention and Visitors Association: Payment of additional proceeds of 2002 lodging tax increase.
New Central Library Project: Amend contract with William B. Meyer for interim library moving project.
2003 Charitable Campaign: Approve participation of seven organizations.
Salary Step Increase: Authorize hiring of Mark Kenny at top step to the position of Elevator Inspector.
HUMAN RESOURCES (269090)
Healthcare Insurance: Contract with Blue Cross Blue Shield as healthcare provider for City employees for 2004 through 2006; Authorize issuance of request for proposals for VEBA, COBRA and Miniflex administration.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

ARTS COMMISSION (269091)
Mpls Plan for Arts & Culture: Request for Proposals for consultant services.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (269092)
Appeal:
Azzam Omar Sabri (2000 Fremont Ave S & 1309 W Franklin Ave).
PLANNING COMMISSION/DEPARTMENT (269093)
Vacations:
Ronald Siron, for Sonny's Ice Cream (3401 Lyndale Ave S);
Robert Tetzloff (part of 3rd Ave NE, east of Harrison St NE).
PLANNING COMMISSION/DEPARTMENT (269094)
Waiver:
Mike Fernandez, John Parold & Spiros Zorbalas (2401 Dupont Ave S, 1011 W 24th St): Request waiver from Lowry Hill East Neighborhood moratorium for 33-unit apartment building development.
Appeal:
C Rex Rice (re Hi-Lake Shopping Center, 2106-18 E Lake St).

MOTIONS (See Rep):

CITY CLERK (269095)

2004 Council Calendar: Set Council dates.

HEALTH AND FAMILY SUPPORT SERVICES (269096)

Lead Outreach: Accept \$370,824 from HUD for period of 10/1/03 through 9/30/05.

INSPECTIONS DEPARTMENT (269097)

Lead Hazard Control: Accept \$650,000 grant award from HUD for period of 10/1/03 through 9/30/06.

FILED:

CITY CLERK/SPECIAL PERMITS (269098)

18th St E, 1522 (Julie Gugin) move house;

Irving Av N, 503 (Harrison Neighborhood Assn) petting zoo.

FINANCE DEPARTMENT (269099)

Park & Recreation Bd, Mpls, Annual Financial Report, 12/31/2002.

MINNESOTA STATE OFFICES-Auditor (269100)

City of Mpls, Management & Compliance report for yr ended 12/31/2002.

MINNESOTA STATE OFFICES-Auditor (269101)

Park & Recreation Bd, Mpls, Management & Compliance report, 12/31/2002.

The following reports were signed by Mayor Rybak on 9/29/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the issuance of revenue bonds for Group Health, Inc. to finance a number of facilities and improvements located in a variety of metro cities and having conducted a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$85,000,000 in 501(c)(3) Tax-exempt Health Care Revenue Bonds as a joint issue with the City of Saint Paul HRA and the City of Minneapolis for the Group Health Plan, Inc. Project (HealthPartners, Inc.).

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

Resolution 2003R-429, giving preliminary approval to the project and to the issuance of up to \$85 million of 501(c)(3) Tax-exempt Health Care Revenue Bonds for the Group Health Plan, Inc. Project (HealthPartners, Inc.), was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-429

By Goodman

Giving preliminary approval to a project on behalf of Group Health, Inc. and authorizing the issuance of health care revenue bonds of the City of Minneapolis therefor under Minnesota Statutes, Sections 469.152 through 469.1651, as amended; referring the proposed project to the Minnesota Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, pursuant to Minnesota Statutes, Sections 469.152 through 469.1651, as amended (the "Act"), the City of Minneapolis (the "City") acting jointly with the Housing and Redevelopment Authority of the City of Saint Paul (the "HRA"), is authorized to issue revenue bonds for the purpose of financing real and personal property, whether or not now in existence, which property is used or useful in connection with a revenue producing enterprise, whether or not operated for profit, for providing health care services, and to refund revenue bonds issued by other municipalities or redevelopment agencies in the State of Minnesota issued to finance the same; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and the welfare of the state requires the provision of necessary medical and health care facilities to the end that adequate health care services be available at reasonable costs; and

Whereas, other factors necessitating such active promotion and development of medical and health care facilities within the City and surrounding area are the increasing concentration of population in the metropolitan area, the steady and rapid increase in the cost of health care services required to meet the needs of the population; and

Whereas, acting on the basis of the common powers of the HRA and the City conferred by the Act, Group Health, Inc., a nonprofit corporation (the "Company") has proposed that the HRA and the City (the "Joint Issuers") jointly issue health care revenue bonds in the approximate principal amount of \$85,000,000 (the "Revenue Bonds") to refund the Joint Issuers' outstanding Health Care Facility Revenue Bonds, Series 1992 (the "Series 1992 Bonds") and finance or refinance various capital expenditures made by the Company at facilities located in various municipalities in the State of Minnesota (collectively the "Project"); and

Whereas, the City did pursuant to Minnesota Statutes, Section 469.154, subdivision 4, published a notice, a copy of which with proof of publication is on file in the office of the City Clerk, of the public hearing on the proposal of the Company that the City and HRA jointly finance a project and the City (through the Community Development Committee of the City Council) did conduct a public hearing pursuant to said notice on September 16, 2003, at 1:30 p.m. at which hearing all persons who appeared were given an opportunity to express their views with respect to the proposal which notice, publication and hearing are hereby in all respects approved; and

Whereas, the proposal calls for the proceeds realized upon the sale of the Revenue Bonds to be loan to the Company under a revenue agreement wherein the Company will be obligated to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City and HRA incident to the issuance and sale of the Revenue Bonds; and

Whereas, the HRA and City have been advised by representatives of the Company that the refunding of the tax exempt bonds previously issued by the issuance of the Revenue Bonds will result in substantial savings in the Company's capital costs; and

Whereas, the undertaking of the proposed Project and the issuance of the Revenue Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by the continuation of the health care operations of the Company in the Cities of Minneapolis, St. Paul and seven (7) other municipalities in the Minneapolis St. Paul Metropolitan area; and

Whereas, neither the full faith and credit of the City, the HRA nor the City of St. Paul will be pledged to the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City Of Minneapolis:

That the undertaking of the Project and the issuance by the City and HRA, jointly, of the Revenue Bonds pursuant to the Act, in an approximate aggregate principal amount of \$85,000,000 to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Minnesota Department of Employment and Economic Development ("DEED") under the Act, and to the agreement of the City, the HRA, the Company and the purchaser or purchasers of the Revenue Bonds on the terms and conditions on which the Revenue Bonds will be issued, sold and secured.

Be It Further Resolved that on the basis of information provided to this Council, it appears, and the Council hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in providing health care within the meaning of Subdivision 2 of Section 469.152 of the Act; that the Project furthers the purposes stated in Section 469.152; that the availability of financing under the Act and willingness of the City and HRA to jointly furnish such financing will be a substantial inducement to Company to undertake the Project, and that the effect of the Project, if undertaken, will be to assist in providing adequate health care services to residents of the City at a reasonable cost.

Be It Further Resolved that in accordance with Subdivision 3 of Section 469.154 of the Act, the Mayor is hereby authorized and directed to submit the proposal for the Project to DEED requesting its approval, and the other officers, employees and agents of the City are hereby authorized to provide DEED with such preliminary information as it may require.

Be It Further Resolved that Company has agreed and it is hereby determined that any and all costs incurred by the City or the HRA in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by DEED will be paid by Company.

Be It Further Resolved Briggs and Morgan, Professional Association, acting as bond counsel, is authorized to assist in the preparation and review of necessary documents relating to the Project, to consult with the City Attorney and Company as to the maturities, interest rates and other terms and provisions of the Bonds and as to the covenants and other provisions of the necessary documents and to submit such documents to the Council for final approval.

Be It Further Resolved that nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City or the HRA for this purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City or the HRA except the revenue and proceeds pledged to the payment thereof, nor shall the City or the HRA be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City or the HRA to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereof against any property of the City or the HRA. The Bonds shall recite in substance that the Bonds, including interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City or the HRA within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the actions of the City and Minneapolis Department of CPED staff in causing public notice of the public hearing and in describing the general nature of the Project and estimating the principal amount of the Bonds to be issued to finance the Project and in preparing a draft of the proposed application to DEED for approval of the Project, which has been available for inspection by the public in the office of the Minneapolis Department of CPED from and after the publication of notice of the hearing, are in all respects ratified and confirmed.

Be It Further Resolved that the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

Comm Dev - Your Committee, having under consideration the recommendation of the ad-hoc committee that reviewed applications of Public Housing Residents to serve on the Minneapolis Public Housing Authority (MPHA) Board, now recommends that Tegegn Ayana, a scattered site public housing resident in Ward 9, be appointed to serve on the MPHA Board for a term to expire on December 31, 2005.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolution approving the classification of certain forfeited land located in the City of Minneapolis as non-conservation and the conveyance thereof; and that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Zimmermann moved to amend the resolution by deleting the following three properties from the released-for-auction list and to place these properties on hold for 6 months to allow for neighborhood review and comment:

- a) 3831 Dupont Avenue North;
- b) 2717 Grand Avenue South;
- c) 2624 1st Avenue South. Seconded.

Adopted upon a voice vote.

The report, with an amended resolution, was adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-430, approving the classification of certain forfeited land located in the City of Minneapolis as non-conservation and the conveyance thereof, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-430

By Goodman

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be withheld from public and private sale and conveyed to the Minneapolis Community Development Agency.

1253 Conservation/Non-Conservation List (01) City of Minneapolis

PID Number	Address Lot Size	Target	Date Of Forfeit	Current Use	Zoning Legal Description
09 029 24 43 0074	2719 Emerson Ave N 42.6'x127'	Yes	05/22/03	Vacant Duplex	R2B LOT 3 BLOCK 23 FAIRMOUNT PARK ADDITION TO MINNEAPOLIS
16 029 24 32 0004	2011 Golden Valley Rd 44x125	Yes	05/22/03	Vacant Land	R1A LOT 3 BLOCK 1 "MENARD'S FIRST ADDITION TO MINNEAPOLIS"

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16 029 24 33 0196	1519 Oliver Ave N	Yes	05/22/03	Vacant Land	R1A
	40'x125'			LOT 4 "WALTON'S FIRST ADDITION TO MINNEAPOLIS"	

16 029 24 34 0014	1522 Irving Ave N	Yes	04/04/03	Vacant Land	R2B
	5740 sq.ft			LOT 004 BLOCK 001 "CREPEAU'S ADDITION TO MINNEAPOLIS"	

Be It Further Resolved that the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the property listed below be released for public auction.

PID Number	Address Lot Size	Target	Date Of Forfeit	Current Use	Zoning Legal Description
11 028 24 13 0334	4040 15 th Ave S	No	05/22/03	Occupied Condo	R5
	159,520 sq. ft.			APT #11H A PARTMENT OWNERSHIP NO. 0221 BUSH TERRACE CONDOMINIUM	
16 029 24 11 0117	915 - 26 th Ave N	Yes	05/22/03	Occupied Single Family	R2B
	39.3'x100			E 1/4 OF LOTS 13 AND 14 BLOCK 15 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS	
17 029 24 14 0092	2014 Sheridan Ave N	Yes	05/22/03	Occupied Single Family	R1A
	40'x128			LOT 026 BLOCK 003 "NICHOLS- FRISSELL CO.'S SHADY OAKS ADDITION TO MINNEAPOLIS"	

Be It Further Resolved that the parcels listed below be placed on hold for six months to allow for neighborhood review and comment.

PID Number	Address Lot Size	Target	Date Of Forfeit	Current Use	Zoning Legal Description
04 029 24 42 0171	3831 Dupont Ave N	No	05/22/03	Occupied Single Family	R2B

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	5107 sq. ft.				LOT 8 BLOCK 1 NORTH SIDE PARK ADDITION TO MINNEAPOLIS
34 029 24 32 0383	2717 Grand Ave S	Yes	06/19/03	Vacant Land	R2B
	4,760 sq. ft.				S 11 FT OF N 29 FT OF LOT 6 BLOCK 1 MENAGE'S 3RD ADDITION TO MINNEAPOLIS
34 029 24 42 0467	2624 1st Ave S	Yes	06/19/03	Vacant Land	R5
	3,756 sq. ft.				N 1/2 OF LOT 1 BLOCK 6 CORSONS ADDITION TO MINNEAPOLIS

Be It Further Resolved that the parcels listed below be designated as non-conservation, and that they be released for private sale to adjacent property owners only.

PID Number	Address Lot Size	Target	Date Of Forfeit	Current Use	Zoning Legal Description
08 028 24 33 0004	3517 44 th Street W	No	05/22/03	Vacant Land	C1
	588 square feet				COM 50 FT N OF SE COR OF LOT 14 BLK 21 WAVELAND PARK TH W 7 FT TH N TO S LINE OF W 44TH ST TH ELY ALONG SAME TO A PT DUE N OF BEG TH S TO BEG
13 029 24 41 0025	2102 ½ Kennedy St NE	Yes	05/22/03	Vacant Commercial Lot	I2
	3,331 sq. ft.				LOT 24 AUDITOR'S SUBDIVISION NO. 268 HENNEPIN COUNTY, MINN
11 029 24 33 0033	2011 2nd St N E	Yes	06/19/03	Vacant Land	R2B
	10'x33'				THAT PART OF N 10 FT OF W 1/5 OF LOT 13 BLK 5 WHICH LIES NLY AND WLY OF FOL DESC LINE BEG AT A PT ON W LINE OF SAID LOT 13 DIS 9.85 FT S FROM NW COR

TH OF THE 4.4 FT TH N 1.2 FT
TH E 3.2 FT TH S 1.2 FT TH E
25.4 FT TH N TO N LINE OF
SAID LOT 13 AND THERE
ENDING LOT 13 BLOCK 5
BOTTINEAUS SECOND
ADDITION TO THE TOWN OF
SAINT ANTHONY

Be It Further Resolved that this matter be referred to the Minneapolis Community Development Agency for authorization to submit an application to the Commissioner of Revenue and the County of Hennepin for the purchase and conveyance of said property located in targeted areas pursuant to the provisions of Minnesota Statutes 282.01, Subd. 1b.

Adopted 9/26/03.
Absent - Johnson, Lilligren.

Comm Dev - Your Committee, having under consideration the issuance of revenue bonds for the Guthrie Theater Foundation to finance construction of a three-theater complex to be located on two parcels of land (bounded by W River Rd, 10th Av S, 2nd St S and Chicago Av S; second parcel bounded by 2nd St S, 9th Av S, Washington Av S and Chicago Av S) and the Council having granted preliminary approval to issue such bonds on July 25, 2003, now recommends passage of the accompanying resolution giving final approval to issue up to \$85,000,000 of City of Minneapolis Tax-exempt 501(c)(3) Revenue Bonds, Series 2003, for said project (as set forth in Petn No 269062).

Adopted 9/26/03.
Absent - Johnson, Lilligren.
Approved by Mayor Rybak 9/26/03.
(Published 9/30/03)

Resolution 2003R-431, giving final approval to issue up to \$85,000,000 of City of Minneapolis Tax-exempt 501(c)(3) Revenue Bonds, Series 2003, for the Guthrie Theater Foundation theater project, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-431
By Goodman

Authorizing the issuance and sale of revenue bonds of the City on behalf of the Guthrie Theater Foundation and the execution of documents.

Whereas, this Council has received a proposal that the City of Minneapolis (the "City") issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act") for the purposes of financing a portion or all of the cost of a proposed project (the "Project"), on behalf of Guthrie Theater Foundation, a Minnesota nonprofit corporation (the "Corporation"), and paying certain costs of issuance of the Bonds; and

Whereas, the Project consists of the construction and equipping of a three-theater complex of approximately 285,000 square feet with an aggregate seating capacity of approximately 2,150, together with associated production and administrative space, an educational center and associated retail, beverage and food service facilities to be operated by the Corporation and located in the City on 2 parcels of land, the first bounded by West River Road, 10th Avenue South, 2nd Street South and Chicago Avenue South, and the second bounded by 2nd Street South, 9th Avenue South, Washington Avenue South and Chicago Avenue South; and

Whereas, at a public hearing, duly noticed and held on July 15, 2003, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to undertake and finance the Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Project, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$85,000,000 aggregate principal amount of the Bonds in one or more series under the authority contained in the Act to finance the Project would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act and is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City to Corporation, in order to finance all or a portion of the cost of the Project and to pay certain costs of issuance of the Bonds; and

Whereas, pursuant to a Loan Agreement (the "Loan Agreement"), to be entered into between the City and Corporation, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the Corporation will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by Corporation of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fee of the City, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and Corporation deem necessary or desirable for the sale of the Bonds; and

Whereas, pursuant to an Indenture of Trust (the "Bond Indenture") to be entered into between the City and U.S. Bank National Association, as Trustee (the "Bond Trustee"), a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City assigns and pledges all of its right, title and interest in the Loan Agreement (other than the right of the City for indemnification and administrative expenses) to the Bond Trustee. In addition, the Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the City and Corporation deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, the Bonds will be special limited obligations of the City payable solely from amounts payable by Corporation under the Loan Agreement, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City except the Loan Agreement. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the City by RBC Dain Rauscher Incorporated, U.S. Bancorp Piper Jaffray Inc. and Wells Fargo Brokerage Services, LLC (the "Underwriters") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City, Corporation and RBC Dain Rauscher Incorporated on behalf of itself and the other Underwriters, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, a draft of an Official Statement, related to the Bonds, has been presented to the Council at this meeting and has been reviewed to the extent deemed necessary. The Official Statement will be distributed by the Underwriters to potential purchasers of the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

In order to provide for the financing of all or a portion of the costs of the Project, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$85,000,000. The Mayor, the City Clerk and the City Finance Officer are hereby authorized to approve the purchase price of the Bonds, provided that the purchase price equals or exceeds 98% of the principal amount of the Bonds; the aggregate principal amount of the

Bonds, provided that such principal amount is not in excess of \$85,000,000; the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 30 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the initial interest rates for any series of Bonds, provided that the initial interest rate on any series of Bonds shall not exceed 5.00% per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein. The issuance of the Bonds to finance the Project shall be subject to approval of the Project by the Minnesota Department of Employment and Economic Development.

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor, the City Clerk and City Finance Officer, and its corporate seal (which may be in facsimile) shall be thereunto affixed, imprinted or engraved. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any of the officers who shall have signed or sealed any of the Bonds shall cease to be such officers of the City before the Bonds so signed and sealed shall have been actually authenticated by the Bond Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or officers of the City.

Be It Further Resolved that the Bond Indenture and the Loan Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute, acknowledge and deliver the Bond Indenture and the Loan Agreement on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Bond Indenture or the Loan Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Bond Indenture and the Loan Agreement.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriters to potential purchasers and purchasers of the Bonds of the Official Statement in substantially the form submitted to the Council at this meeting. The City has not and will not participate in the preparation of the Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form submitted to this meeting and, upon the determination of the terms of the Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by the Corporation and RBC Dain Rauscher Incorporated by on behalf of itself and the other Underwriters, the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Bond Purchase Agreement.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indenture, the Loan Agreement or the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Assistant Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the submission of an application seeking a Metropolitan Council Predevelopment Grant to support development in the Hi-Lake Redevelopment Area.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

Resolution 2003R-432, authorizing the submission of an application seeking a Metropolitan Council Predevelopment Grant to support development in the Hi-Lake Redevelopment Area, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-432

By Goodman

Authorizing application to the Metropolitan Council Predevelopment Grant Fund.

Whereas, the City of Minneapolis (the "City") has identified a proposed project within the City that meets the Predevelopment Grant purpose and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

Whereas, the City Council of Minneapolis, Minnesota agrees to act as legal sponsor for the project contained in the Predevelopment Grant application submitted on September 15, 2003;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized to apply to the Metropolitan Council for this funding on behalf of the City of Minneapolis and to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution approving Modification No. 97 to the Common Development and Redevelopment and Common Tax Increment Finance Plan, an administrative modification that will facilitate the auditing of tax increment activities.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-433, approving Modification No. 97 to the Common Development and Redevelopment and Common Tax Increment Finance Plan, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-433
By Goodman and Johnson

Adopting Modification No 97 to the Common Development and Redevelopment and Common Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.1 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement redevelopment projects and tax increment financing ("TIF") districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, 469.174 through 469.179, as amended; and Laws of Minnesota 1971, Chapter 677 (collectively, the "Project Laws").

1.2. By Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to the Project Laws.

1.3. The Agency has prepared, and this Council has investigated the facts with respect to, a proposed Modification No 97 to the Common Plans (the "Modification"), identifying expenditures related to the Commercial Corridors Revitalization Funds, specifically those allocated from Common Project (tax increment) revenue.

1.4. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Modification to reflect the identification of expenditures related to the Commercial Corridors Revitalization Funds, specifically those allocated from Common Project (tax increment) revenue.

Section 2. Findings for the Adoption of the Modification.

2.1. The Council hereby finds, determines and declares that the proposed Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the project by private enterprise.

2.2. The Council further finds that the Modification conforms to the general plan for the development of the City as a whole. Written comments of the Planning Commission with respect to the Modification were issued and are incorporated herein by reference, and are on file in the office of the City Clerk in the form of a petition.

2.3. The Council further finds that the actions herein conform with the "Guidelines for the allocation of MCDA Commercial Corridor Funds" adopted by the City Council on October 15, 1999.

2.4. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modification.

Section 3. Approval of the Modification.

3.1. Based upon the findings set forth in Section 2, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification.

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee, having under consideration the establishment of a tax increment financing district for the Grain Belt Housing Project and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the Grain Belt Tax Increment Finance Plan and related Plan Modifications; and that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-434, adopting the Grain Belt Tax Increment Finance Plan and related Plan Modifications, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-434
By Goodman and Johnson

Adopting the Grain Belt Tax Increment Finance (TIF) Plan, Modification No 2 to the Grain Belt Brewery Redevelopment Plan, Modification No 2 to the Grain Belt Brew House TIF Plan, and Modification No 96 to the Common Development & Redevelopment and Common TIF Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended (the "Agency Laws") the Housing and Redevelopment Authority in and for the City of Minneapolis (the "City") has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179 as amended; and Laws of Minnesota 1971, Chapter 677 (collectively, the "Project Laws").

1.2 By Resolution duly adopted on December 19, 1986, the City of Minneapolis (the "City") approved the creation of the Grain Belt Brewery Redevelopment Project, and the Grain Belt Brewery Redevelopment Plan, which was further modified on August 11, 2000 which modification amended the Grain Belt Development Objectives, and an expansion of the Grain Belt Redevelopment Project Area boundary.

1.3 By Resolution 2000R-257 on June 13, 2000, the City adopted the Grain Belt Brew House Redevelopment Plan and the Grain Belt Brew House TIF Plan, and by Resolution No 2001R-540 on December 28, 2001, further modified the TIF Plan updating the TIF budget to reflect redevelopment terms approved by the City Council.

1.4 That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis (the "City") has approved the creation by the Agency of the Common Development and Redevelopment and Common Tax Increment Financing Plans, (the "Common Plans") relating hereto, all pursuant to Minnesota Laws. The Grain Belt Brewery Redevelopment Project Area (the "Project Area") is included within the Common Development and Redevelopment Project Area and Common TIF District. The parcels included in the new Grain Belt TIF District which remain within the existing Grain Belt Brewery Redevelopment Project Area. However, the new Grain Belt TIF District is

not being incorporated into the Common Project and will not be subject to the existing Common Project obligations and commitments.

1.5 It has been proposed and the Agency has prepared, and this Council has investigated the facts with respect to a proposed Grain Belt TIF Plan, a proposed Modification No 2 to the Grain Belt Brewery Redevelopment Plan, a proposed Modification No 2 to the Grain Belt Brew House TIF Plan, and a proposed Modification No 96 to the Common Plans ("collectively, the Plans"). The Plans create a new free-standing TIF district, and modify the existing Plans and Common Plans to accommodate the activities and financing related to the proposed project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the TIF District, designate property that may be acquired, identify a budget for expenditures, reflect project activities and costs, and establish a redevelopment TIF District; all pursuant to and in accordance with the Project Laws.

1.6 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

1.7 The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

Section 2. Findings for the Adoption of the Plans

2.1 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Laws.

2.2 The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise, as the proposed development is necessary in order to finance a portion of the public redevelopment activities necessary to implement the project.

2.3 The Council further finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.4 The Council further finds, determines and declares that the Grain Belt TIF District is a redevelopment district pursuant to Minnesota Statutes, Section 469.174, Subdivision 10. The Council further finds, determines and declares that the property to be included in the TIF District consists of property that qualifies for inclusion in a redevelopment TIF District as the property includes: parcels that are unimproved and vacant, paved parking lots, paved street rights-of-way, commercial/industrial buildings, and residential wood framed rental dwellings, which buildings are found to be substandard under statutory criteria. The site analysis included interior inspections of the residential properties and the conditions therein do not meet the livability standards required for safe, sanitary, human occupancy. Structures are in poor condition and do not meet established codes and ordinances. Interior inspections revealed the presence of roof and ceiling damage caused by ice damming and worn roofing materials, damaged siding and trim, peeling paint, broken storm doors and windows, deteriorated egress stairs with rotted members, improper railings, missing or disconnected gutters and downspouts, illegal and outdated plumbing, defective and outdated heating equipment, lack of adequate means of egress, lack of adequate insulation, lead based paint, poorly maintained exterior components, obsolete materials and lack of reasonable maintenance. The site analysis also included an interior inspection of the commercial property and the conditions therein do not meet the standards required for safe, sanitary, human occupancy. These structures do not meet current city codes and ordinances, including building, energy, accessibility and fire codes for new construction. The buildings lack adequate ventilation, heating systems, and smoke detectors, contain illegal electrical exposed wires and inoperable fixtures, damaged windows, and asbestos materials. It is concluded that all buildings (100%), commercial and residential, are found to be structurally substandard under statutory criteria. The properties are blighted and substandard to a degree requiring substantial renovation and or clearance. The vacant land is an uneconomic use of inner city real estate. The reasons and supporting facts for this determination is documented and retained by the Agency. The site analysis report was completed by Jan Ryan in June, 2003.

2.5 The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.6 The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the district permitted by the plan. Until a feasible reuse was found for the historic Brewhouse, it had been difficult to proceed with the development of housing in the Grain Belt area. The Grain Belt Development Objectives¹ were amended to represent a more comprehensive housing development strategy for the Grain Belt area by identifying five specific sites that have housing potential. On August 11, 2000, the MCDA Board and City Council approved an authorization to issue a request for proposals (RFP) for housing development on four of these five sites based on the amended Development Objectives. In 2001, the MCDA Board selected the Sheridan Development Company (SDC) as the developer of the Grain Belt housing project. From the beginning, the assumption has been that the development of housing within the boundaries of the Grain Belt Brewery Redevelopment Project would be a complicated project and would take time to develop because it involves multiple sites and development phases and is located in an historic district near the riverfront area. Historic preservation concerns (i.e. discovery of the Orth Brewery foundations) and area parking needs (i.e. replacement parking requirements for the Agency-owned Bottling House and Warehouse) were significant issues that needed to be resolved. In the meantime, the impact of tax reform needed to be reevaluated for the project. Significant progress has been made in the past several months as SDC has added extensive development expertise and capacity to its development team and has assisted the MCDA in securing a Metropolitan Council Livable Communities Demonstration Act grant to finance land acquisition and site clearance in Phase I. The public redevelopment activity, expenditures and market values associated with the project results in a series of calculations and figures that clearly passes the "market value test" of Minnesota Statutes, Section 469.175, as provided in the plan document. It is therefore the opinion of the City of Minneapolis that the development in this TIF District could not occur solely through private investment within the foreseeable future.

2.7 The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Grain Belt TIF District. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.8 The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 3. Approval of the Plans; Creation of TIF District

3.1 Based upon the findings set forth in Section 2 hereof, the Grain Belt TIF Plan, Modification No 2 to the Grain Belt Brewery Redevelopment Plan, Modification No 2 to the Grain Belt Brew House TIF Plan, and Modification No 96 to the Common Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

4.1 The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose

¹ "The Minneapolis Plan" shows the upper river as a major housing site that should see significant housing development in the future. The "Grain Belt Brewery Area Development Objectives", approved by the City Council on 9/13/96 states: "to encourage appropriate residential development that maximizes the value of the riverfront amenity and the historic setting". "Potential New Construction Housing Development Sites" included in the Grain Belt Development Objectives states: "Five sites . . . have potential for new housing and are being proposed as possible housing development sites...contributing resources in terms of their potential for adaptive reuse and in light of current demand for housing near the riverfront...".

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds in the amount of \$400,000 from the United States Environmental Protection Agency (EPA) to be used for pollution investigation and remediation activities for the Bassett Creek Valley area.

Your Committee further recommends passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency Appropriation Resolution by increasing the appropriation for Fund FGO (Federal Grants Other) by \$400,000.

Further that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-435

By Goodman & Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FGO by \$400,000 and increasing the revenue budget in Fund FGO by \$400,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Guthrie Theater Project and the acceptance of grant funds from the State of Minnesota for said project, now recommends:

1) Passage of the accompanying resolution establishing the governmental program to be achieved through construction and operation of the Guthrie Theater Complex on the Minneapolis Riverfront and transferring the role of recipient of the State grant from the Minneapolis Community Development Agency (MCDA) to the City;

2) That the City accept grant funds in the amount of \$25,000,000 from the State of Minnesota for the project;

3) That the proper City officers be authorized to execute the following:

a. a grant agreement with the State of Minnesota;

b. a use/lease agreement with the Guthrie Theater Foundation;

c. a ground lease with the Guthrie Foundation;

d. a master disbursement agreement with a title company and other funders;

e. any such other documents as necessary to implement the project, all in accordance with the terms set forth in Petn No 269065;

4) Passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency Appropriation Resolution by increasing the appropriation for Fund SMN (State Grants) by \$25,000,000;

Further that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Goodman moved to amend the resolution referred to in paragraph 1 of the report by adding a new resolved clause to the end of the resolution to read as follows:

6. Be It Further Resolved that the City Council delegates to the CPED Director the authority to approve and certify to the State of Minnesota the annual reports submitted by the Guthrie Theater under the use agreement, provided that the CPED Director finds that:

a) the forecast revenues (including program and other revenue) for the current fiscal year and next three fiscal years equal or exceed the forecast expenses, and

b) the Premises continue to achieve the Governmental Program, as evidenced by the fact that at least half of the earned revenue (not including contributions or investment earnings) is being generated by revenues from the production or presentation of theatrical and cultural performances and the operation of educational programs. Seconded.

Adopted upon a voice vote.

The report, with amended Resolution, was adopted 9/26/03.
Absent - Johnson, Lilligren.

Resolution 2003R-436, establishing the governmental program to be achieved through construction and operation of the Guthrie Theater complex on the Minneapolis riverfront and transferring the state grant for the project to the city, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-436
By Goodman and Johnson

Establishing the governmental program to be achieved through construction and operation of the Guthrie Theater complex on the Minneapolis riverfront and transferring the state grant for the project to the city.

Whereas, the City of Minneapolis (the "City") has adopted the *Downtown 2010* plan as a component of the City's Comprehensive Plan (Policy 3.2), and one of the goals set forth in *Downtown 2010* is to strengthen downtown's role as the region's center for arts, entertainment and culture; and

Whereas, the City's Comprehensive Plan also includes policies supporting the promotion of the economic and creative vitality of arts activities based in the City (Policy 6.5) and supporting the role of arts in tourism and community pride (Policy 6.6); and

Whereas, the City and the Minneapolis Community Development Agency ("MCDA") have been implementing long-term plans to redevelop the central riverfront for a combination of land uses that complement the national significance of the Mississippi River and that provide amenities for residents and visitors; and

Whereas, the MCDA's business plan includes in its goals the redevelopment of the central riverfront (Goal 4.B) and the enhancement of unique Minneapolis institutions and amenities (Goal 4.D); and

Whereas, the Guthrie Theater has been one of Minneapolis' pre-eminent cultural institutions for over four decades and is one of the unique amenities and arts institutions that Minneapolis desires to retain, enhance, support and promote; and

Whereas, the Guthrie Theater has an active program to expose Minneapolis and other students to live theater and to train college students in theater arts in cooperation with the University of Minnesota and the new complex will provide enhanced physical facilities for these educational programs; and

Whereas, an expanded Guthrie Theater will result in an increased number of direct and indirect jobs; and

Whereas, the Guthrie Theater Foundation has selected a site in the downtown central riverfront for an expanded theater complex that will achieve the goals of *Downtown 2010* and the MCDA's business plan goals; and

Whereas, Minnesota Statutes, sections 469.001-469.047, as amended, authorize the establishment of redevelopment projects to provide for the development and redevelopment of selected areas of the City. On July 25, 1973, the City Council of the City and the Board of the MCDA approved the Industry Square Redevelopment Plan establishing the Industry Square Redevelopment Project; and

Whereas, the site selected for the new Guthrie theater complex is located within the Industry Square Redevelopment Project; and

Whereas, the objectives of the Industry Square Redevelopment Plan include supplementing the financial base of the community and accomplishing the goals of the *Mississippi/Minneapolis* report; and

Whereas, the *Mississippi/Minneapolis* report identified the Industry Square area as an appropriate location for a cultural center; and

Whereas, the proposed new Guthrie Theater complex is expected to generate significant economic benefits in the form of direct and indirect construction spending, increased tourism and direct and indirect spending by patrons of the theater; and

Whereas, a 2002 study of the impact of arts estimated that the Minneapolis nonprofit arts industry generates \$269.4 million in economic activity annually, including jobs, household income and revenues to local and state government; and

Whereas, the site for the proposed new Guthrie Theater complex is located within a portion of the Industry Square area known as the Historic Mills District, and the *Update to the Historic Mills District Plan* (approved by the City Council in September of 2001) specifically approved the proposed site as the location for a new Guthrie Theater complex; and

Whereas, Minnesota Statutes, section 469.012, authorizes the City to own, hold and improve real estate within its area of operation and to lease real and/or personal property, and Minnesota Statutes, section 469.155 authorizes the City to acquire, construct, hold and finance projects; and

Whereas, Minnesota Statutes, section 471.191 authorizes the City, as part of its operation of a public recreation program that may include facilities for cultural participation and exhibitions, to acquire, lease, equip, and maintain land, buildings and other improvements; and

Whereas, Minnesota Statutes, section 471.941 authorizes the City to appropriate funds to support artistic organizations; and

Whereas, the State of Minnesota has approved a \$25,000,000 grant to the MCDA or its successor to design, construct, furnish and equip a new Guthrie Theater in the City of Minneapolis; and

Whereas, to satisfy conditions of the State grant, the MCDA or its successor must own the new Guthrie Theater complex, but may enter into a use agreement with the Guthrie Theater Foundation under which it will take on responsibility for the operation of the theater complex, and

Whereas, pursuant to Laws 2003, chapter 127, article 12, sections 31 – 34 and Minneapolis Ordinance 2003-Or-104, the City has created the Community Planning and Economic Development department and is in the process of transferring the functions, assets, programs, projects, employees and obligations of the MCDA to the CPED department of the City.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The construction, ownership and operation of a new Guthrie Theater complex in the Central Riverfront area will achieve the important public goals of the City and the MCDA identified above.

2. The acquisition, construction, ownership, financing, lease and operation of a new Guthrie Theater are within the City's authority under Minnesota Statutes, sections 469.001-047, 469.155, 471.191 and 471.941

3. The governmental program to be achieved by the City's sponsorship of the new Guthrie Theater complex will be the production and presentation of theatrical performances, together with educational programming, other cultural performances and related and ancillary uses, pursuant to which the City expects to support cultural participation and encourage economic development and tourism.

4. All of the MCDA's right, title and interest in the approved State grant are hereby transferred to the City.

5. The City hereby accepts the grant of \$25,000,000 from the State of Minnesota and authorizes the appropriate City officials to execute a grant agreement with the State of Minnesota, a ground lease with the Guthrie Theater Foundation, a master disbursement agreement with the State of Minnesota, Guthrie Theater Foundation and others, a use/lease agreement with the Guthrie Theater Foundation, and such other documents as necessary to implement the project.

6. Be It Further Resolved that the City Council delegates to the CPED Director the authority to approve and certify to the State of Minnesota the annual reports submitted by the Guthrie Theater under the use agreement, provided that the CPED Director finds that:

a) the forecast revenues (including program and other revenue) for the current fiscal year and next three fiscal years equal or exceed the forecast expenses, and

b) the Premises continue to achieve the Governmental Program, as evidenced by the fact that at least half of the earned revenue (not including contributions or investment earnings) is being generated by revenues from the production or presentation of theatrical and cultural performances and the operation of educational programs.

Adopted 9/26/03.

Absent - Johnson, Lilligen.

RESOLUTION 2003R-437
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN by \$25,000,000 and increasing the revenue budget in Fund SMN (3215-04) by \$25,000,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County "second 7.5%" NRP funds in the amount of \$90,000 to partially fund youth programs from June 1, 2003 through December 31, 2004 in the Lyndale Neighborhood, now recommends:

1. Approval of the use of Hennepin County's "second 7.5%" NRP funds for said purpose;
2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR0) by \$90,000;
3. That the proper City officers be authorized to execute any agreements needed to implement activities set forth in said request; and
4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petr No 269064).

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-438
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$90,000 from the projected fund balance.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the McKinley Neighborhood Action Plan (the Plan) with total NRP expenditures not to exceed \$1,844,894, as set forth in Petr No 269064, now recommends:

- a) That said Plan, and specifically those parts of the Plan which fall under City jurisdiction, be approved;
- b) Passage of the accompanying resolution, amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR)) by \$1,339,894;
- c) That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan; and
- d) That this action be transmitted to the Board of Commissioners of the MCDA.

Your Committee further recommends that the Director of the NRP be directed to respond to the concerns raised by a neighborhood resident through a correspondence addressed to the City Council and on file in the Office of the City Clerk (Petr No 269064).

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-439
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$1,339,894 from the projected fund balance.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving Modification #9 to the Waite Park Neighborhood Action Plan, now recommends:

a) That said modification supporting new and expanding businesses by creating a revolving low interest loan program, be approved;

b) That the proper City officers be authorized to execute any agreements needed to implement activities set forth in the Plan; and

c) That this action be transmitted to the Board of Commissioners of the MCDA.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Comm Dev & W&M/Budget - Your Committee recommends approval of a \$350,000 loan of Community Economic Development Funds (CEDF) to the American Indian Neighborhood Development Corporation (AINDC) to defray extraordinary costs of site assembly for the Franklin Bakery at 11th Av S and Franklin Avenue; and that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends that Rita Edgar, 3247 Lyndale Av N, be appointed to the Senior Citizen Advisory Committee to the Mayor and City Council representing the Third Ward, for a term to expire December 31, 2003.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS - Your Committee, to whom was referred an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, to include Food Establishment Plan Review Fees for 2003 and 2004 in Appendix J, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Ordinance 2003-Or-119 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, to include Food Establishment Plan Review Fees for 2003 and 2004 in Appendix J, was passed 9/26/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-119

By Niziolek

Intro & 1st Reading: 9/12/03

Ref to: PS&RS

2nd Reading: 9/26/03

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended by adding the following fee schedules in alphabetical sequence to read as follows:

TABLE INSET:

<i>License</i>	<i>Ordinance</i>	<i><u>2003 Fee</u></i>	<i><u>2% + Fee 2004 Fee</u></i>
Food Establishment Plan review fees—new business			
Risk 1 establishment			
1000 sq ft or less	188.370	\$100	\$300
1001-3000 sq ft	188.370	\$150	\$400
3001-5000 sq ft	188.370	\$150	\$500
5001-7000 sq ft	188.370	\$200	\$600
Risk 2 establishments			
1000 sq ft or less	188.370	\$100	\$250
1001-3000 sq ft	188.370	\$150	\$350
3001-5000 sq ft	188.370	\$150	\$450
5001-7000 sq ft	188.370	\$200	\$550
Risk 3 establishments			
1000 sq ft or less	188.370	\$100	\$150
1001-3000 sq ft	188.370	\$150	\$250
3001-5000 sq ft	188.370	\$150	\$300
5001-7000 sq ft	188.370	\$200	\$400
Food Establishment Plan review fees—remodel			
Risk 1 establishment			
1000 sq ft or less	188.370	\$100	\$225
1001-3000 sq ft	188.370	\$150	\$300
3001-5000 sq ft	188.370	\$150	\$375
5001-7000 sq ft	188.370	\$200	\$450
Risk 2 establishments			
1000 sq ft or less	188.370	\$100	\$187
1001-3000 sq ft	188.370	\$150	\$262
3001-5000 sq ft	188.370	\$150	\$337
5001-7000 sq ft	188.370	\$200	\$412
Risk 3 establishments			
1000 sq ft or less	188.370	\$100	\$112
1001-3000 sq ft	188.370	\$150	\$187
3001-5000 sq ft	188.370	\$150	\$225
5001-7000 sq ft	188.370	\$200	\$300

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS - Your Committee, to whom was referred the subject matter of an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, clarifying that the Equal Employment Opportunity goals of Chapter 423 are preempted when federal funding is used in a project, now recommends that said ordinance be returned to author.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee recommends that the City Council, acting as the Minneapolis Board of Health in its capacity as a Community Health Board, authorizes the proper City Officers to execute a Master Contract with the State of Minnesota, Department of Health, for the period January 1, 2004 through December 31, 2008. Individual projects and funding will be issued under the Master Grant Contract through Project Agreements.

Your Committee further recommends that the City Council, acting as the Minneapolis Board of Health in its capacity as a Community Health Board, authorizes the Commissioner of Health & Family Support to sign the individual Project Agreements as the Community Health Services Administrator for the City of Minneapolis.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$51,854 from the Children's Defense Fund, on behalf of the Covering All Kids Project, to fund two outreach/social worker staff members at the New Family Center during the period July 1, 2003 through June 30, 2004. Further, passage of the accompanying Resolution appropriating \$51,854 to Health & Family Support to reflect receipt of said grant funds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-440, appropriating \$51,854 to Health & Family Support to accept grant funds on behalf of the Covering All Kids Project to fund two outreach/social worker staff members at the New Family Center, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-440
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$51,854 and increasing the Revenue Source (060-860-8621 - Source 3720) by \$51,854.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$115,957 and execute an agreement with the Robert Wood Johnson Foundation, on behalf of the Covering All Kids Project, to provide services at the New Family Center to families with language and cultural barriers who have students enrolling in the Minneapolis Public Schools during the period

September 1, 2003 through August 31, 2005. Further, passage of the accompanying Resolution appropriating \$115,957 to Health & Family Support to reflect receipt of said funds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-441, appropriating \$115,957 to Health & Family Support to accept grant funds on behalf of the Covering All Kids Project to provide services at the New Family Center, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-441
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$115,957 and increasing the Revenue Source (060-860-8621 - Source 3720) by \$115,957.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$30,633 in Year 2003 Federal Weed & Seed funds from Health & Family Support to the Police Department/Third Precinct for reimbursement of the following law enforcement strategies implemented within the Phillips Weed & Seed zone through August 9, 2003—a crime prevention specialist at the Franklin Safety Center; funding for the Community Response and Tactical and Operational Teams; training; Nextel phone services; and bicycles.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-442, transferring \$30,633 from Health & Family Support to the Police Department/Third Precinct for reimbursement of law enforcement strategies implemented within the Phillips Weed & Seed zone through August 9, 2003, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-442
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$30,633; and

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$30,633 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$30,633.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an amendment to Contract #016884 with Minnesota Remodeling and Restoration to extend the performance period to December 31, 2003 to allow for the completion of lead hazard reduction work on dwellings that commenced during Round VIII activities and also on properties where lead hazards are identified and where funds are available to proceed with lead hazard reduction.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee recommends that the City of Minneapolis act as fiscal agent for the Minnesota Shubert Performing Arts and Education Center.

Adopted 9/26/03. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Johnson Lee, Ostrow.

Nays - Zerby.

Absent - Johnson, Lilligren.

IGR - Your Committee, having under consideration 2004 Capital Budget Requests for inclusion in the City's State Bonding Program, now recommends that the following projects be prioritized as follows:

1. Minnesota Planetarium and Space Discovery Center: \$24 million to design, construct, furnish and equip.

2. Minneapolis Empowerment Zone - Heritage Park: \$9.625 million to construct public infrastructure improvements.

3. Southeast Minneapolis Industrial (SEMI) Redevelopment, in cooperation with the University of Minnesota: \$9 million for design and construction of the primary stormwater management pond in SEMI.

4. Minnesota Shubert Performing Arts and Education Center: \$10 million to construct, furnish and equip.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending 15, Chapter 385 relating to *Offenses—Miscellaneous: In General*, repealing Section 385.120 entitled "*Entering toilet designated for opposite sex; window peeping*", now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/26/03. Yeas, 9; Nays, 2 as follows:

Yeas - Niziolek, Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee.

Nays - Lane, Ostrow.

Absent - Johnson, Lilligren.

Ordinance 2003-Or-120 repealing a portion of Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, repealing Section 385.120 entitled "*Entering toilet designated for opposite sex; window peeping*", was passed 9/26/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-120
By Benson, Schiff, Lilligren and Zimmermann

Intro & 1st Reading: 7/25/03

Ref to: PS&RS

2nd Reading: 9/26/03

Repealing a portion of Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses – Miscellaneous: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 385.120 of the above-entitled ordinance be and is hereby repealed:

~~**385.120. Entering toilet designated for opposite sex; window peeping.** No person, in any public or private place, shall enter a toilet designated for the use of the opposite sex or look into any window or other opening for an indecent, immoral or unlawful purpose.~~

Adopted 9/26/03. Yeas, 9; Nays, 2 as follows:

Yeas - Niziolek, Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee.

Nays - Lane, Ostrow.

Absent - Johnson, Lilligren.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, adding a new Section 360.130 to establish a restricted licensing area in the Southeast Overlay District so as not to allow any new on-sale license applications unless the applicant can demonstrate that the gross annual sales of alcoholic beverages shall not exceed 30% of gross annual sales of all food and beverages, now recommends that said ordinance be returned to author.

Zerby moved to amend the report by deleting the language "be returned to author" and inserting in lieu thereof "be given its second reading for amendment and passage." Seconded.

Lost upon a voice vote.

The report was adopted 9/26/03. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Johnson Lee, Ostrow.

Nays - Zerby.

Absent - Johnson, Lilligren.

PS&RS - Your Committee, having under consideration the application of Dakota Cooks LLC, dba Dakota, 1010 Nicollet Mall, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire October 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/26/03.

Declining to Vote - Benson.

Absent - Johnson, Lilligren.

PS&RS - Your Committee, having under consideration the application of Raising the Bar LLC, dba Zeno Coffee and Dessert Bar, 2919 Hennepin Av, for an On-Sale Wine Class C-1 with Strong Beer License (new business) to expire April 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/26/03.

Declining to Vote - Benson.
Absent - Johnson, Lilligren.
Approved by Mayor Rybak 9/26/03.
(Published 9/30/03)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 9/26/03.
Declining to Vote - Benson.
Absent - Johnson, Lilligren.

Resolution 2003R-443, granting applications for Liquor, Wine and Beer Licenses, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-443
By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire January 1, 2004

TRBK, Inc, dba Suite Life Catering, 600 1st Av N;

Off-Sale Liquor, to expire October 1, 2003

East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St (new shareholder/new corporate officer);

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

Radisson Minneapolis Corp, dba Radisson Plaza Hotel Minneapolis Firelak, 35 S 7th St (sidewalk cafe expansion);

On-Sale Liquor Class B with Sunday Sales, to expire September 6, 2003

Minneapolis Aerie No 34 FOE, dba Aerie No 34 FOE, 2507 E 25th St (temporary expansion of premises with entertainment, September 6, 2003, 2:00 p.m. to 7:00 p.m. at Post Parking Lot);

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2004

Rainbow Restaurant Properties Inc, dba Chino Latino, 2916 Hennepin Av (upgrade from On-Sale Liquor Class E with Sunday Sales);

Temporary On-Sale Liquor

Phyllis Wheatley Community Center, 200 E Lyndale Av N (fundraiser September 12, 2003, 5:00 p.m. to 11:00 p.m. at Farmer's Market Annex);

Ragamala Music & Dance Theater, dba Ragamala Music & Dance Theater, 711 W Lake St #309 (September 4 - 7, 2003, 8:00 p.m. to 9:30 p.m., Southern Theater; Licensed Facilitator: La Bodega Tapas Bar);

Greater Minneapolis Crisis Nursery, 5400 Glenwood Av, Golden Valley (fundraiser, October 3, 2003, 6:00 p.m. to 9:00 p.m. at International Market Square);

On-Sale Wine Class E with Strong Beer, to expire September 21, 2003

Food Services Inc, dba 5-8 Club, 5800 Cedar Av S (temporary expansion of premises with outdoor entertainment, September 21, 2003, 11:00 a.m. to 10:00 p.m.);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St (regular expansion of premises);

Temporary On-Sale Wine

Ballet of the Dolls Inc, dba Ballet of the Dolls, 820 18th Av NE (with temporary outdoor entertainment, August 28, 2003, 6:00 p.m. to 10:00 p.m. in alleyway west of Ritz Theatre);

Off-Sale Beer (Provisional), to expire April 1, 2004

Totem Foods Inc, dba Totem Foods, 2951 Central Av NE (new business - not planning to open until after October 1, 2003);

Off-Sale Beer, to expire April 1, 2004

Pham Michael, dba Duc Loi Supermarket, 2429 Nicollet Av (new business);

Temporary On-Sale Beer

Church of the Ascension, dba Church of the Ascension, 1723 Bryant Av N (September 20, 2003, Noon to 5:00 p.m.);

Our Lady of Peace, dba Our Lady of Peace, 5425 11th Av S (September 19, 2003, 6:00 p.m. to 10:00 p.m.; September 20, 2003, Noon to 1:00 a.m.; and September 21, 2003, Noon to 5:00 p.m. at 5435 11th Av S);

Incarnation Church, dba Oktoberfest, 3817 Pleasant Av (October 3, 2003, 6:00 p.m. to Midnight; October 4, 2003, 11:00 a.m. to Midnight; and October 5, 2003, 11:00 a.m. to 5:00 p.m.);

St. Mary's Greek Orthodox Church, dba Barbary Coast Dixieland Band, 3450 Irving Av S (September 26, 2003, 7:00 p.m. to 10:30 p.m. at American Legion Post #129).

Adopted 9/26/03.

Declining to Vote - Benson.

Absent - Johnson, Lilligren.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-444, granting applications for Business Licenses, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-444

By Niziolek and Johnson

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of September 26, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 269076):

Amusement Devices; Place of Amusement Class A; Car Wash; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Fire Extinguisher Servicing Class A; Boarding House; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Vending Machine; Fuel Dealer; Fuel Dealer Cash & Carry Only; Gasoline Filling Station; Heating, Air Conditioning and Ventilating Class A; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; and Valet Parking.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-445, granting applications for Gambling Licenses, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-445

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class B

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Mortimers Bar, 2001 Lyndale Av S);

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Gay 90's Inc, 408 Hennepin Av);

Gambling Lawful Exempt

Allina Health System/Abbott Northwestern, dba Allina Health System, 710 E 24th St (Bingo and Raffle September 27, 2003 at Incarnation School, 3800 Pleasant Av S);

Emerson Silc PTSA, dba Emerson Silc PTSA, 1421 Spruce Pl (Raffle October 4, 2003);

Breast Cancer Awareness Association, dba Breast Cancer Awareness Association, 2318 S Willow Ln, St. Louis Park (Raffle October 25, 2003 at Convention Center, 1301 2nd Av S);

Open Arms of Minnesota, dba Open Arms of Minnesota, 1414 E Franklin Av (Raffle November 1, 2003 at Franklin Art Works, 1021 E Franklin Av);

Junior League of Minneapolis, dba Junior League of Minneapolis, 6250 Wayzata Blvd, Golden Valley (Raffle November 9, 2003 at Convention Center, 1301 2nd Av S);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle and Pulltabs November 23, 2003 at Kolbe Hall, 1630 4th St NE);

One Voice Mixed Chorus, dba One Voice Mixed Chorus, PO Box 2290 (Raffle November 24, 2003 at Faith Mennonite Church, 2720 E 22nd St);

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle December 14, 2003 at Police Federation Hall, 1811 University Av NE);

Pope John Paul II Catholic School, dba Pope John Paul II Catholic School, 1630 4th ST NE (Bingo, Raffle, Paddlewheel, Pulltabs and Tipboards March 14, 2004).

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a contract renewal with Hennepin Technical College to provide taxicab driver training through June 30, 2004. Said training shall consist of an estimated ten classes at a cost of \$1,785 per training session, payable from a combination of funds jointly paid by the taxicab service company, the taxicab driver and Licenses & Consumer Services.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, having under consideration the 2003 Drug Task Force Grant, now recommends that the proper City Officers be authorized to accept an additional \$150,000 in federal funds and execute an amended grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to continue the Hennepin County/Minneapolis Drug Task Force in 2004 to combat sales and production of drugs; and execute an amendment to the sub-recipient contract with Hennepin County, in the amount of \$39,400, in order to share the grant funds with the County. Matching funds for said grant will be provided by both the Hennepin County Sheriff's Department (\$20,000) and the City of Minneapolis (\$30,000), payable from the Police Special Revenue Fund.

Your Committee further recommends passage of the accompanying Resolution appropriating \$150,000 to the Police Department to reflect receipt of said grant funds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-446, appropriating \$150,000 to the Police Department to continue the Hennepin County/Minneapolis Drug Task Force in 2004, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-446
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$150,000 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$150,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$10,000 from the Minnesota Bureau of Criminal Apprehension for reimbursement of overtime costs and witness relocation related to the investigation of the murders of Ahmed Ahmed and Claudia Schwartz. Further, passage of the accompanying Resolution appropriating \$10,000 to the Police Department to reflect receipt of said funds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-447, appropriating \$10,000 to the Police Department to accept funds from the Minnesota Bureau of Criminal Apprehension for reimbursement of overtime costs and witness relocation relating to the investigation of the murders of Ahmed Ahmed and Claudia Schwartz, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-447
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C013) by \$10,000 and increasing the Revenue Source (060-400-C013 - Source 3215) by \$10,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a Children's Justice Act Grant award of \$8,500 and execute a grant agreement with the Minnesota Department of Human Services to enhance the investigation of child pornography by purchasing a computer forensic workstation. Further, passage of the accompanying Resolution appropriating \$8,000 to the Police Department to reflect receipt of said grant funds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-448, appropriating \$8,000 to the Police Department to accept grant funds to enhance the investigation of child pornography, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-448
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C105) by \$8,500 and increasing the Revenue Source (030-400-C105 - Source 3210) by \$8,500.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS & W&M/Budget - Your Committee, having under consideration the Criminal Justice Coordinating Committee (CJCC), now recommends that the proper City Officers be authorized to execute an amendment to the agreement with Hennepin County, as follows:

- a. to extend the term of the agreement to January 31, 2007;
 - b. to expand the membership of the CJCC to include a suburban Hennepin County City Attorney;
- and
- c. to authorize partial funding of the CJCC staff, payable in the amounts of \$15,000 from the City Attorney's Office (010-140-1410) and \$10,000 from the Police Department (010-400-A006).

Adopted 9/26/03.

Absent - Johnson, Lilligren.

PS&RS & W&M/Budget - Your Committee, having received an update report on the Nuisance Night Court, now recommends the following:

PS&RS - a. that the report be received and filed;

b. that staff of the City Attorney's Office and Police Department be directed to implement the proposed Nuisance Night "Hearing" Program using the Minneapolis Administrative Enforcement and Hearing Process, as set forth in Petn No 269078 on file in the Office of the City Clerk, within 30 days after City Council approval.

c. authorize the establishment of an Office Support Specialist I (Intake Clerk) position and an Office Support Specialist II (Administrative Clerk) position in the City Attorney's Office.

d. passage of the accompanying Resolution approving the adoption of an Administrative Enforcement Fine Schedule for violations of Nuisance Ordinances.

e. that staff of the Finance Department be directed to dedicate an account for the Program revenue.
f. that the City Finance Officer be authorized to appropriate all Program revenues to the City Attorney's Office to pay for the Program costs.

g. that the subject matter of ordinances prohibiting possession of drug paraphernalia in a public place and prohibiting public urination be introduced and referred to the Public Safety & Regulatory Services Committee.

W&M/Budget - that the recommended actions of the Public Safety & Regulatory Services Committee be sent forward without recommendation.

Niziolek moved that the report be amended to approve the Public Safety & Regulatory Services Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

Zerby moved to amend the Public Safety & Regulatory Services Committee recommendation by adding the following language:

"h. direct the Minneapolis City Attorney's Office to contract with the Conduct Modification Center to modify existing materials to create and implement a Livability Offenses Behavior Class within 45 days after City Council approval.

i. Authorize the proper City Officials to contract with the Conduct Modification Center to develop and implement the Livability Offenses Behavior Class.

j. Direct the Minneapolis City Finance Department to dedicate an account for Livability Offense Behavior Class revenue.

k. Authorize the City Finance Officer to appropriate all Livability Offense Behavior Class revenues to the City Attorney's Office to pay for program costs." Seconded.

Lost. Yeas, 4; Nays, 7 as follows:

Yeas - Lane, Zerby, Johnson Lee, Ostrow.

Nays - Niziolek, Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff.

Absent - Johnson, Lilligren.

Colvin Roy moved to substitute the following report for the above report:

"PS&RS - Your Committee, having received an update report on the Nuisance Night Court, now recommends the following:

a. that the report be received and filed;

b. that staff of the City Attorney's Office and Police Department be directed to implement the proposed Nuisance Night "Hearing" Program using the Minneapolis Administrative Enforcement and Hearing Process;

c. that the subject matter of ordinances prohibiting possession of drug paraphernalia in a public place and prohibiting public urination be introduced and referred to the Public Safety & Regulatory Services Committee;

d. refer to the budget process the question of implementation." Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas - Lane, Colvin Roy, Zimmermann, Schiff, Johnson Lee.

Nays - Niziolek, Benson, Goodman, Samuels, Zerby, Ostrow.

Absent - Johnson, Lilligren.

Zimmermann moved that the report be referred back to the Public Safety & Regulatory Services and Ways & Means/Budget Committees. Seconded.

Lost upon a voice vote.

The report, as amended, was adopted 9/26/03.

Declining to Vote - Zimmermann.

Absent - Johnson, Lilligren.

Resolution 2003R-449, approving the adoption of an Administrative Enforcement Fine Schedule for violations of Nuisance Ordinances, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-449

By Niziolek

Approving the adoption of an Administrative Enforcement Fine Schedule for violations of Nuisance Ordinances.

Whereas, the Minneapolis City Council has adopted an amendment to Title 1 of the Minneapolis Code of Ordinances by adding therein a Chapter 2 relating to an Administrative Enforcement and Hearing Process; and

Whereas, Section 2.60 of the Minneapolis Code of Ordinances provides for the imposition of a civil fine for violations of certain Articles of the Minneapolis Code of Ordinances; and

Whereas, Section 2.70 of the Minneapolis Code of Ordinances provides that the City Council shall adopt by Resolution a schedule of fines for administrative offenses; and

Whereas, the Minneapolis City Attorney's Office has submitted a proposed civil fine schedule for consideration by the City Council;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed civil fine schedule presented for consideration by the City Attorney's Office be adopted, as set forth in Petn No 269078 on file in the Office of the City Clerk.

Adopted 9/26/03.

Declining to Vote - Zimmermann.

Absent - Johnson, Lilligren.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration a request from the Little Earth of United Tribes Housing Corporation to rename a public street located between Cedar Avenue and Ogema Place, now recommends passage of the accompanying Resolution approving renaming the public street previously known as "25th - 1/2 Street" to "E M Stately Street" and directing the Public Works Department to inform public and private agencies of the changes.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-450, renaming the public street "25th - 1/2 Street" to "E M Stately Street", was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-450

By Colvin Roy

Renaming the public street "25th - 1/2 Street" to "E M Stately Street".

Whereas, the City and its Native American Community wish to honor the life and accomplishments of Elaine M. Stately;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, the street previously named "25th - 1/2 Street" between Cedar Avenue and Ogema Place is hereby named "E M Stately Street" and such change is approved by the City Council and that all dwellings located on said street be assigned street addresses which conform to City addressing policy.

Be it Further Resolved, that the Public Works Department be directed to inform all agencies whether public or private on the name change of said street.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW - Your Committee, having under consideration the facility addition and improvements to the Minneapolis Fire Station #6, now recommends that the proper City officers be authorized to execute Change Order #4 with Lund Martin Construction, Inc increasing Contract #018678 in amount of \$74,934 for a new total of \$2,847,243 with no additional appropriation required.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the abandonment of the areaways at 727 and 731 Hennepin Av (in accordance with the Hennepin Theater District Streetscape Project, Special Improvement of Existing Street No. 2221), now recommends passage of the accompanying Resolutions:

- a. Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Eugene L. Heck, Connie Samovitz, Hyman Paisner, Sheila Paisner, Alvin S. Zelickson and Sue Zelickson and receiving the preliminary cost estimate of \$160,000;
- b. Increasing the appropriation in the Public Works Fund by \$160,000; and
- c. Requesting the board of Estimate and Taxation to issue and sell bonds in the amount of \$160,000 for certain purposes other than the purchase of public utilities.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-451, designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal at 727 and 731 Hennepin Av in the Hennepin Theater District Streetscape Project as contained in a petition from property owners dated June 23, 2003, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-451
By Colvin Roy and Johnson

Abandonment of Areaways at 727 and 731 Hennepin Av
in the Hennepin Theater District Streetscape Project
Special Improvement of Existing Street No. 2221

Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Eugene L. Heck, Connie Samovitz, Hyman Paisner, Sheila Paisner, Alvin S. Zelickson and Sue Zelickson, dated June 23, 2003.

Whereas, the City of Minneapolis has scheduled the streetscape and street lighting improvements during 2002-2003 in the Hennepin Theater District (5th St to 10th St) area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said streetscape and street lighting installation; and

Whereas, a public hearing was held on May 9, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of above mentioned areaways; and

Whereas, it is proposed to abandon and remove the areaways that encroach into the Hennepin Av right-of-way adjoining said properties as petitioned by Eugene L. Heck, Connie Samovitz, Hyman Paisner, Sheila Paisner, Alvin S. Zelickson and Sue Zelickson;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways as located in the public street r/w adjoining the property along 727 Hennepin Av and 731 Hennepin Av, as described:

Property Identification Number 22-029-24-43-0082 (727 Hennepin Avenue) and legally described as the SW ½ of Lot 2, Block 223 Hoag and Bell's Addition to Minneapolis, and Property Identification Number 22-029-24-43-0081 (731 Hennepin Avenue) and legally described as all of Lot 1, Block: 223, Hoag and Bells Addition to Minneapolis and also that part of Lot 16, Block 223, Wells, Sampson's and Bell's Addition to Minneapolis, which lies West of the alley in said Block 223 extended Southwesterly through said Lot; also that part, now vacated 8th Street lying between said Lot 1 and an extension Northwesterly of the Southwesterly line of said Lot 16 and an extension Southwesterly of the Northwesterly line of said Lot 1,

Be It Further Resolved that the petition submitted by the owner of the benefited property by Eugene L. Heck, Connie Samovitz, Hyman Paisner, Sheila Paisner, Alvin S. Zelickson and Sue Zelickson be received.

Be It Further Resolved that the full cost of the designs, areaway abandonments and construction inspections (having a preliminary estimate of \$160,000) of the proposed special assessments in the total amount as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statement.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-452
By Colvin Roy and Johnson

Amending the 2003 Capital Appropriation Resolution

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Streets and Malls Capital Agency in the Permanent Improvement Fund (4100-937-9372 - Source 8015) by \$160,000 for the cost of abandoning the areaways in the Hennepin Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, to be reimbursed by special assessment Fund (4100-937-9372 - Source 3910) in the amount of \$160,000 and authorize the appropriate City Officials to expend funds for the implementation of this project.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-453, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$160,000 for certain purposes other than the purchase of public utilities, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-453
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$160,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal in the Hennepin Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the City Engineer to proceed with a variance request from State Aid Rules for the construction of State Aid Projects:

S.A.P. 141-010-39 - Hiawatha Ave. from I-94 to Lake St. E.;
S.A.P. 141-239-16 – East 26th Street from Hiawatha Avenue to Minnehaha Avenue; and
S.A.P. 141-427-01 – East 46th Street from Hiawatha Ave. to 35th Avenue South.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-454, authorizing the City Engineer to proceed with a variance request from State Aid Rules to the Commissioner of Transportation for the construction of State Aid Projects, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-454
By Colvin Roy and Johnson

Authorizing the City Engineer to proceed with a variance request from State Aid Rules to the Commissioner of Transportation for the construction of State Aid Projects.

Whereas, The City of Minneapolis and the Minnesota Department of Transportation have entered into a Cooperative Construction Agreement for the construction of S.A.P. 141-010-39 Hiawatha Ave. from I-94 to Lake St. E.; and

Whereas, The City of Minneapolis and the Met Council have entered into a Cooperative Construction Agreement for the construction of S.A.P. 141-239-16 26th St. E. from Hiawatha Ave. to Minnehaha Ave.; and

Whereas, The City of Minneapolis and the Met Council have entered into a Cooperative Construction Agreement for the construction of S.A.P. 141-427-01 46th St. E. from Hiawatha Ave. to 35th Ave. S.; and

Whereas, Minnesota Department of Transportation State Aid Rule 8820.2800 Construction Requirements, subpart 2 plans and estimates, require Municipal State Aid plan approval before the construction contract bids are opened; and

Whereas, Municipal State Aid plan approval was not received prior to construction contract bid opening; and

Whereas, State Aid rules provide that a political subdivision may request a variance from these rules;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer be directed to submit to the Commissioner of Transportation a formal request for variance from the Minnesota Department of Transportation, State Aid Rule 8820.2800 Construction Requirements, Subpart 2 plans and estimates, to permit a municipality to use a portion of its state aid funds for a trunk highway project with plans approved after the contract bids have been opened.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration an agreement with MnDOT for delegating authority on federal aid projects, now recommends passage of the accompanying Resolution authorizing the proper City Officers to execute MnDOT Agreement No 84205 for federal participation in construction.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-455, authorizing execution agreement with MnDOT for Delegated Authority on Federal-Aid Projects, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-455
By Colvin Roy and Johnson

Authorizing execution agreement with MnDOT for Delegated Authority on Federal-Aid Projects.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statute Section 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept, as its agent, federal aid funds which may be made available for eligible transportation related projects.

Be It Further Resolved that the proper City Officers are hereby authorized and directed for and on behalf of the City of Minneapolis to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 84205", which is made a part hereof by reference.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration the Fridley Membrane Filtration Plant (FMFP) Project, now recommends that the proper City Officers be authorized to conduct performance testing for ultrafiltration membrane pilot-scale systems with up to five qualified equipment manufacturers. Stipend for successfully completing testing will be \$50,000 per system, funds are available within the project budget.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

T&PW & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Federal Government that transfers to Minneapolis the ownership of a 12-inch water main that is currently supplying domestic and fire service for the Henry Bishop Whipple Building located in the Fort Snelling area.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

Resolution 2003R-456, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-456
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. Contingent on approval of the Civil Rights Department. (Petn. No. 269085)

a) OP #6139, low bid of Palmer West Construction Company, Inc. in the amount of \$157,090 to furnish and deliver all labor, materials, equipment and incidentals necessary for roof replacement, as follows:

Fire Station No. 15	2701 Johnson Street NE	Lump Sum	\$57,935
Fire Station No. 19	200 Ontario Street SE	Lump Sum	99,155

b) OP #6150, low responsive bidders as indicated below for an estimated total expenditure of \$461,000.00 to furnish and deliver towing of vehicles from public or private property for Zones 1-2 in the City of Minneapolis:

Wrecker Service, Inc.	Zone 1	Price per tow	\$120
Shorties Towing, Inc.	Zone 2	Price per tow	150

c) OP #6153, low bid of Cy-Con, Inc. in the amount of \$98,000 to furnish all labor, materials, equipment and incidentals necessary to accomplish Hennepin Avenue Areaway Abandonment at 705 Hennepin Avenue.

Adopted 9/26/03.
Absent - Johnson, Lilligren.
Approved by Mayor Rybak 9/26/03.

T&PW & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #6151 (Petn No 269085) submitted by Park Construction Company in the amount of \$5,781,826.28, for Central Avenue NE (TH65) Street Reconstruction.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Office of EEO Contract Management, Minnesota Department of Transportation.

Adopted 9/26/03.
Absent - Johnson, Lilligren.
Approved by Mayor Rybak 9/26/03.
(Published 9/30/03)

T&PW & W&M/Budget - Your Committee recommends that Public Works be authorized to prepare an RFP for the processing and marketing of the City's recyclables and direct staff to return to the Transportation and Public Works Committee with that RFP.

Adopted 9/26/03.
Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration the recommendations relating to Guthrie District Parking Facility implementing terms for the design/build agreement between the Guthrie Theater Foundation and the City, now recommends passage of the accompanying Resolutions:

- a) Request expenditure and revenue budget appropriation increases for the Guthrie Theater Parking Capital Project by \$30,486,704 for a total of \$33,650,000 to be reimbursed by bond proceeds and increase the revenue budget by \$30,486,704 for a new total of \$33,650,000;
- b) Request Board of Estimate and Taxation to issue \$33,650,000 million of 501(c)(3) bonds; and
- c) Declare the City's intent to reimburse expenditures incurred with proceeds from tax-exempt bonds.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-457
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Guthrie Theater Parking Capital Project A6294010 in Fund (7500-943-9464) by \$30,486,704 for a total of \$33,650,000 to be reimbursed by bond proceeds and increasing the revenue budget in Fund (7500-943-9464 Source - 3910) by \$30,486,704 for a revised total amount of \$33,650,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-458, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$33,650,000 for certain purposes other than the purchase of public utilities, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-458
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$33,650,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of Guthrie District Parking Facility, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-459, declaring the City's official intent to reimburse the expenditures related to the purchase of the Guthrie District Parking Facility from the proceeds of tax exempt debt of the City, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-459
By Colvin Roy and Johnson

Declaring the City's official intent to reimburse the expenditures related to the purchase of the Guthrie District Parking Facility from the proceeds of tax exempt debt of the City.

Resolved by The City Council of The City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, that the City of Minneapolis hereby declares its official intent to reimburse the expenditures related to Guthrie District Parking Facility from the proceeds of tax exempt debt of the City.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget - Your Committee, having under consideration the towing agreement with the University of Minnesota, now recommends that the proper City Officers be authorized to negotiate and enter into agreement with the University of Minnesota to perform towing at Minneapolis and St. Paul campuses, automatically renewable each year unless terminated by the City or the University.

Adopted 9/26/03. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Goodman.

Absent - Johnson, Lilligren.

T&PW & W&M/Budget – Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project and establishment of proceedings for assessment of project costs and expenses and the establishment of impact fees for businesses that have bought into the lots to meet parking requirements, now recommends passage of the accompanying Resolution establishing the special assessment proceedings for payable 2004 for the Lyn/Lake Parking Facilities; and Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2003 through August 31, 2004 at \$805 per stall for businesses that had licenses/permits to expand their businesses, or approved plans by the City to expand their businesses as of September 1, 1998, and \$1,610 per stall for new businesses.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-460, establishing the special assessment proceedings for payable 2004 for the Lyn/Lake Parking Facilities, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-460
By Colvin Roy and Johnson

Establishing the special assessment proceedings for payable 2004 for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the Office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2004 to be \$98,651.92, all as contained in Petn No 269084 on file in the Office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City Officers are hereby directed to prepare proposed special assessments in the total amount of \$98,651.92 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on October 14, 2003, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429, to consider the amount proposed to be assessed to each benefited property for payable 2004.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends approval of the payment of the balance of 2002 proceeds of the City's lodging tax increase to the Greater Minneapolis Convention and Visitors Association (GMCVA) in the amount of \$383,248 as part of their 2002 operating budget; and passage of the accompanying resolution appropriating those funds to the GMCVA.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-461

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Convention and Visitors Association Agency in the Convention Center Related Fund (0760-864-8641) by \$383,248.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

W&M/Budget - Your Committee recommends authorization to execute a First Amendment to the Interim Central Library Moving Contract with William B. Meyer increasing the contract by \$152,944.53 for additional work performed in moving the Central Library collection.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

W&M/Budget - Your Committee recommends authorization to enter into a contract with TCF National Bank to provide cash machines at the Minneapolis Convention Center, effective October 24, 2003, for a period of three years with an option to renew on an annual basis for two one-year periods, and providing payment to the City of an annual guaranteed minimum base fee plus a fee structure based on the number of transactions.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the organizations that will participate in the City's 2003 Charitable Campaign and replacing the current use of funds criteria for the campaign.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-462, approving organizations that will participate in the City's 2003 Charitable Campaign, was passed 9/26/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-462
By Johnson

Designating seven charitable campaign organizations that will participate in the 2003 City of Minneapolis Charitable Campaign and replacing the current use of funds criteria.

Resolved by The City Council of The City of Minneapolis:

That the following fundraising organizations are approved to participate in the City's 2003 City of Minneapolis Charitable Campaign:

Community Solutions Fund;
Community Health Charities (formerly known as The Health Fund of Minnesota);
Open Your Heart to the Hungry and Homeless;
United Negro College Fund;
United Arts;
Minnesota Environmental Fund; and
United Way of Minneapolis Area.

Be It Further Resolved that the current use of funds criteria be replaced with an administrative and fundraising ratio that is less than 25% of related revenues.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6146 (Petr No 269088) submitted by Collins Electrical Systems, Inc. d/b/a ColliSys, in the amount of \$66,096, to furnish and deliver all labor, materials, equipment and incidentals for the removal and replacement of fifty six wall sconce light fixtures, all in accordance with City specifications; and that the proper City Officers be authorized to execute a contract for said project.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

W&M/Budget - Your Committee recommends that the Operations and Regulatory Services Department be authorized to hire Mark F. Kenny at the top (seventh) step rate of pay for the position of Elevator Inspector, Construction Inspection Services.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing amendments to the City's contract with NRG Energy for chilled water services to the Minneapolis Convention Center.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-463, authorizing amendments to the City's contract with NRG Energy for chilled water services to the Minneapolis Convention Center, was passed 9/26/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-463

By Johnson

Authorizing amendments to the City's contract with NRG Energy for chilled water service at the Minneapolis Convention Center.

Resolved by The City Council of The City of Minneapolis:

That Contract C91-6622 with NRG Energy Center Minneapolis LLC, a Delaware limited liability company, as successor-in-interest to Energy Center Partners, providing chilled water service for the Minneapolis Convention Center (MCC) be amended to provide for the following:

1) That NRG shall purchase and assume ownership and control of secondary booster pumps, return temperature control valves and associated control equipment located in the Chiller Building on the Convention Center site, leased by NRG, at its present value of \$50,000 which would be credited by NRG to the City of Minneapolis; and

2) Simplify the contract language to ensure adequate delivery of chilled water to the Convention Center with the transfer in ownership of the equipment.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

W&M/Budget - Your Committee, having received a report explaining that the Citywide Labor Management Committee received the results of a request for proposals (RFP) process for healthcare insurance for City employees and recommends a redesigned healthcare funding and delivery system for the City (as outlined in Petn No 269090), now recommends that the proper City officers be authorized to enter into a three-year contract with Blue Cross Blue Shield as the selected provider for the City for 2004, 2005 and 2006, and to sign said contract consistent with Minnesota Statutes, Section 471.6161, Subd. 3.

Your Committee further recommends that the Human Resources Department be authorized to issue an RFP for administration of the VEBA, COBRA and Miniflex programs that will be a part of the City's new healthcare program.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

The **WAYS & MEANS/BUDGET** and **ZONING & PLANNING** Committees submitted the following report:

W&M/Budget & Z&P - Your Committee recommends that the proper City officers be authorized to issue a request for proposals for consultant services to lead and create The Minneapolis Plan for Arts and Culture.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Approved by Mayor Rybak 9/26/03.

(Published 9/30/03)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Azzam Omar Sabri from the decision of the Board of Adjustment which denied a nonconforming use certificate to allow two principal residential structures on one zoning lot at 2000 Fremont Ave S and 1309 W Franklin Ave, now

recommends that said appeal be denied and the decision of the Board of Adjustment upheld, in accordance with the Findings of Fact prepared by the City Attorney's Office and made a part of this report by reference.

Adopted 9/26/03. Yeas, 10; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Zimmermann.

Absent - Johnson, Lilligren.

Z&P - Your Committee, having under consideration the application of Mike Fernandez, John Parod and Spiros Zorbalas for a waiver from Interim Ordinance 2003-Or-025, providing for a moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East neighborhood, to permit application for construction of a 33-unit multiple family condominium development at 2401 Dupont Ave S and 1011 W 24th St, now recommends that said waiver be denied, and that the findings prepared by the Planning Department staff be adopted.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Z&P - Your Committee, having under consideration the appeal of C. Rex Rice from the decision of the Planning Commission conditioning approval of site plan review for the shopping center at 2106-18 E Lake St, requiring that not less than 15 percent of the net site area be landscaped, now recommends that the appeal be denied.

Your Committee further recommends that three of the following Planning Commission conditions of approval be amended to read as follows:

No. 6. Asphalt shall be removed from the public right-of-way along 29th St and replaced by turf or landscaping except as allowed by the Public Works Department. Staff may count that landscaping as part of the total 15 percent required net site area to be landscaped.

No. 10. If improvements required by Site Plan Review exceed \$2,000, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs by December 31, 2003 or the permit may be revoked for noncompliance.

No. 11. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by September 30, 2004 unless extended by the zoning administrator, or the permit may be revoked for noncompliance.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Ronald Siron, for Sonny's Ice Cream (#1414), 3401 Lyndale Ave S, to vacate that portion of W 34th St right-of-way located between the south edge of the public sidewalk and the existing north property line for outdoor seating and a walk-up window accessory to an existing restaurant, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying resolution vacating said right-of-way.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-464, vacating part of 34th St W, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-464

By Schiff

Vacating part of 34th Street West.

Resolved by The City Council of The City of Minneapolis:

That all that part of the South 4.3 feet of 34th Street West as follows: Beginning at a point located 1.75 feet north of the northwest corner of Lot 14, Block 4, Baker's Addition to Minneapolis; thence North 4.3 feet, East 89.45 feet, thence South 4.3 feet, then West to point of beginning. Described vacation being immediately north of and parallel to, a previously vacated strip measuring 89.45 feet by 1.75 feet, is hereby vacated.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Robert Tetzloff (#1378) to vacate a part of 3rd Ave NE, east of Harrison St NE, for use as a private drive and parking, subject to retention of easement rights, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying resolution vacating said right-of-way.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Resolution 2003R-465, vacating the part of 3rd Ave NE, east of Harrison St NE, between Lot 30, Block 5, and Lot 2, Block 20, Ramsey, Lockwood, and Others Addition to St. Anthony, was passed 9/26/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-465

By Schiff

Vacating the part of 3rd Avenue NE, east of Harrison Street NE, between Lot 30, Block 5, and Lot 2, Block 20, Ramsey, Lockwood, and Others Addition to St. Anthony.

Resolved by The City Council of The City of Minneapolis:

That all that part of 3rd Avenue NE, east of Harrison Street NE, between Lot 30, Block 5, and Lot 2, Block 20, Ramsey, Lockwood, and Others Addition to St. Anthony, approximately 131.03 feet from the east right-of-way of Harrison Street NE to the area previously vacated is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel, and Qwest, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis: Water and Sewer - That part of 3rd Avenue NE, lying east of Harrison Street NE, and bounded on the west by a line connecting the southwest corner of Lot 30, Block 5, and the northwest corner of Lot 2, Block 20, and bounded on the east by a line connecting the southeast corner of Lot 30, Block 5 and the northeast corner of Lot 2, Block 20, all in Ramsey, Lockwood, and Others Addition to St. Anthony, Minneapolis, Hennepin County, Minnesota;

As to Xcel and Qwest: An easement over the north 20 feet of the portion of the street to be vacated; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect

buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2003, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Johnson Lee moved to suspend the Rules of the City Council for the purpose of changing the meeting date for the Organization Meeting in 2004. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Johnson Lee moved that the Organization Meeting in 2004 be held on Monday, January 5, 2004, at 9:30 a.m. in the Council Chamber. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Johnson Lee moved approval of the 2004 City Council meeting calendar as shown in Petition No 269095 on file in the office of the City Clerk. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Niziolek introduced the subject matter of an Ordinance amending Title 11, Chapter 227, Article II of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Nuisances Generally, Specific Conditions and Activities*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Prohibiting public urination).

Niziolek introduced the subject matter of an Ordinance amending Title 11, Chapter 223, Article IV of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Drugs, Drug Paraphernalia*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Prohibiting possession of drug paraphernalia in a public place).

Zerby moves that the proper City Officers be authorized to accept a grant award of \$370,824 from the United States Department of Housing and Urban Development for the Lead Outreach Program to increase enrollment of low-income housing units, through lead hazard outreach and educational activities, into home abatement and treatment programs during the period October 1, 2003, through September 30, 2005. Further, passage of the accompanying Resolution appropriating \$370,824 to the Health & Family Support Agency to reflect receipt of said grant funds. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-466

By Zerby

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8615) by \$370,824 and increasing the Revenue Source (030-860-8615 - Source 3210) by \$370,824.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

Zerby moves that the proper City Officers be authorized to accept a grant award of \$650,000 from the United States Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, to reduce environmental asthma triggers in the homes of low income children diagnosed with asthma and in in-home licensed daycares during the period October 1, 2003 through September 30, 2006. Further, passage of the accompanying Resolution appropriating \$650,000 to the Licenses & Consumer Services Agency to reflect receipt of said grant funds. Seconded.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION 2003R-467

By Zerby

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8392) by \$650,000 and increasing the Revenue Source (030-835-8392 - Source 3210) by \$650,000.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

RESOLUTION

Schiff offered a Resolution honoring the Frank Theatre.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

(Not published. See Resolution 2003R-468 on file in the office of the City Clerk.)

The following is the full text of the unpublished resolution.

RESOLUTION 2003R-468

By Schiff

Honoring the Frank Theatre.

Whereas, Frank Theatre consistently produces some of the highest quality, most adventurous and ambitious theatre in the Twin Cities; and

Whereas, Frank Theatre has done so for 15 years since it's first production in 1988; and

Whereas, each year since, Frank has challenged artists and audiences to explore the link that exists between the art on the stage and the community in which we live; and

Whereas, each year dozens of actors, performers, musicians, designers, backstage workers and board members contribute their time and talents to bring quality theater to Minneapolis; and

Whereas, Frank Theatre has sought to expand the theatrical form by regularly developing new works for the theatre and new venues for performance; and

Whereas, Frank Theatre seeks to bring a new vitality to its community by fearlessly staging *The Cradle Will Rock* in an abandoned building formerly known as Sears;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we express our gratitude and thanks to Frank Theatre for their outstanding service to the citizens of this city by declaring Friday, October 3, 2003, Frank Theatre Day in the City of Minneapolis.

Adopted 9/26/03.

Absent - Johnson, Lilligren.

UNFINISHED BUSINESS

T&PW - Your Committee recommends that the proper City Officers be authorized to execute a new lease agreement for office space in the Minneapolis Grain Exchange Building on behalf of the Civilian Review Authority's (CRA) staff, payable from the Department of Civil Rights' budget with no appropriation increase required. The proposed lease has the same provisions as the current lease with the following exception:

a) The rent will be reduced to \$1,981 per month;

b) The new lease has a month-to-month renewal term with 30 days notice required for cancellation;
and

c) The new lease allows termination by the City for any reason without a penalty.

Adopted 9/26/03. Yeas, 9; Nays, 2 as follows:

Yeas - Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Nays - Niziolek, Goodman.

Absent - Johnson, Lilligren.

NEW BUSINESS

Johnson gave notice of intent to introduce at the next regular meeting of the City Council an Ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1880(d) relating to fees for failure to license a rental property.

Benson moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Natalie Johnson Lee, et al. vs. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

September 26, 2003 - 11:50 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Ostrow.

Absent - Johnson, Lilligren.

Also present - Jay Heffern, City Attorney; Kevin Ross, Outside Counsel from the law firm of Greene Espel; Steve Ristuben, Assistant City Clerk; Peter Wagenius, Mayor's Office (In at 12:29); Jan Hrnecir, City Clerk's Office; Rochelle Olson, Star Tribune Reporter; and a volunteer working in Zimmermann's office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Natalie Johnson, et al. vs. City of Minneapolis* lawsuit and that Kevin Ross could, at the request of the Council, provide a briefing, in open session, on issues in the lawsuit not involving attorney-client privilege.

A briefing by Kevin Ross was requested.

Kevin Ross provided a briefing of the issues not involving attorney-client privilege.

Lane moved that the meeting be closed for the purpose of consideration of the above lawsuit pursuant to the City Attorney's statement. Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas - Niziolek, Goodman, Lane, Colvin Roy, Ostrow.

Nays - Benson, Samuels, Zimmermann, Schiff, Zerby, Johnson Lee.

Absent - Johnson, Lilligren.

Benson moved to reconsider the vote on the motion to close the meeting with a direction to the City Attorney to obtain a copy of the settlement letter from the Plaintiff's Counsel. Seconded.

Adopted upon a voice vote.

The meeting was closed at 12:43 p.m.

Present - Niziolek (Out at 1:37), Benson, Goodman, Lane, Samuels, Colvin Roy, Schiff (Out at 1:30), Zerby, Ostrow.

Absent - Johnson, Zimmermann, Lilligren, Johnson Lee.

Also present - Jay Heffern, Kevin Ross, Steve Ristuben, Peter Wagenius; Jan Hrcir.

Kevin Ross summarized the *Natalie Johnson, et al. vs City of Minneapolis* lawsuit from 12:43 p.m. to 1:45 p.m.

Lane moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Lane moved to direct the City Attorney to vigorously litigate and defend the City of Minneapolis in the *Natalie Johnson Lee, et al. vs. City of Minneapolis* lawsuit. Seconded.

Adopted 9/26/03. Yeas, 6; Nays, 1 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Colvin Roy, Ostrow.

Nays - Zerby.

Absent - Niziolek, Johnson, Zimmermann, Schiff, Lilligren, Johnson Lee.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

By unanimous consent, the meeting was adjourned at 1:50 p.m.

Merry Keefe,
City Clerk.

Created: 9/29/2003
Modified: 10/1/2003
Corrected: 10/20/2003
2/24/2004